

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NOMINATION DI ANTONIO E PAOLO GENSINI :
S.N.C., :

Plaintiff, :

-against- :

H.E.R. ACCESSORIES LTD., PAN OCEANIC :
GROUP, LLC, RICHARD TERZI, HYMIE :
ANTEBY, SAM ANTEBY, JACK ANTEBY, :
CLAIRE'S BOUTIQUE'S INC., CLAIRE'S :
STORES, INC., SOCORRO ECHEVERRIA, d/b/a :
DEALT-IN-MARKETING, AGC INC., THOSE :
CHARACTERS FROM CLEVELAND, INC., :
AMERICAN GREETINGS CORPORATION, :
ARTLIST INTERNATIONAL, INC., ARTLIST :
INTERNATIONAL USA, INC., DIC I :
CORPORATION d/b/a DIC ENTERTAINMENT :
CORPORATION, HEARST HOLDINGS, INC., :
FLEISCHER STUDIOS, INC., KING FEATURES :
SYNDICATE, HOUGHTON MIFFLIN COMPANY, :
UNIVERSAL STUDIOS LICENSING LLLP, :
NINTENDO OF AMERICA, INC., JAMES K. :
BENTON, SANRIO COMPANY, LTD., SANRIO :
INC., VIACOM INTERNATIONAL, INC., JOHN :
DOES 1-50 and XYZ COMPANIES 1-50, :

Defendants. :

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: Index No. 07-CV-6959 (RMB)

: ECF Case

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NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law in Support of 12(b)(6) Motion to Dismiss, and Rule 7.1 Corporate Disclosure Statements, defendants AGC Inc., American Greetings Corp., Artlist International USA, Inc., DIC I Corporation d/b/a DIC Entertainment Corporation, Fleischer Studios, Inc., Hearst Holdings, Inc., Houghton Mifflin Company, James K. Benton, King Features Syndicate, Nintendo of America, Inc., Sanrio, Inc., Those Characters From Cleveland, Inc., Universal Studios Licensing LLLP

and Viacom International Inc. will move this Court before the Honorable Richard M. Berman, United States District Judge, United States District Court for the Southern District of New York, United States Courthouse, Courtroom 14A, 500 Pearl Street, New York, New York 10007, on a date and time to be designated by the Court, for an order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the Amended Complaint for Failing to State a Claim Upon Which Relief May Be Granted.

Dated: September 7, 2007
New York, New York

Respectfully submitted,

LEVINE SULLIVAN KOCH & SCHULZ, L.L.P.

<p><i>Motion Denied without prejudice. (See Gmfr Rules.)</i></p>	<p>By: <u>/s/ Robert Penchina</u> Robert Penchina (RP 5866) 321 West 44th Street, Suite 510 New York, NY 10036 (212) 850-6100 <i>Attorneys for Defendants DIC I Corporation, Hearst Holdings, Inc., Houghton Mifflin Company, Fleischer Studios, Inc., King Features Syndicate, Universal Studios Licensing LLLP and Viacom International Inc.</i></p>
	<p>DORSEY & WHITNEY LLP</p>
	<p>SO ORDERED: Date: <u>9/10/07</u> <i>Richard M. Berman</i> Richard M. Berman, U.S.D.J.</p>
	<p>By: <u>/s/ Bruce R. Ewing</u> Bruce R. Ewing (BE 0724) 250 Park Avenue New York, NY 10177 (212) 415-9206 <i>Attorneys for AGC Inc., American Greetings Corp., Those Characters From Cleveland, Inc., Artlist International USA, Inc., Nintendo of America, Inc., Sanrio, Inc. and James K. Benton</i></p>